



**Zoning Board of Appeals Agenda
Tuesday, March 15, 2022
5:30 P.M. – City Council Chambers, 2nd floor, City Hall
via video conference on Cisco Webex
425 East State Street
Rockford, IL 61104
779-348-7423**

Present:

ZBA Members:

Dan Roszkowski
Jennifer Smith
Kim Johnsen
Maurice Redd
Craig Sockwell
Jennifer Spencer

Absent:

Tom Fabiano

Staff:

Megan McNeill - Assistant City Attorney
Leisha Kury - Administrative Assistant
Scott Capovilla – Planning and Zoning Manager
Mike Rotolo - Fire Prevention Coordinator
Jeremy Carter - Traffic Engineer
Karl Franzen - Community Development Director

Others:

Camille Connell - Court Stenographer
Gina Meeks - Alderman
Applicants and Interested Parties

Dan Roszkowski, Chair of the ZBA, stated that this meeting was being held remotely as the Mayor has determined that an in-person meeting is not practical or prudent because of the COVID-19 pandemic.

Scott Capovilla explained the format of the virtual meeting and the rules of procedure, as follows:

Due to the COVID-19 pandemic and social distancing restrictions, this public hearing for the Zoning Board of Appeals was held by video conference, using Cisco Webex. The audio was streamed at City Hall in Council Chambers and on the City's website.

As the host, he would be monitoring microphones and attendees during the meeting. Notices and agendas were posted and sent about this meeting which informed interested parties about the ways they could submit comments and questions regarding agenda items. This included: written public comments

being submitted by 5:00 pm, on March 15, 2022 to Board Secretary Leisha Kury's email, or the City's permit center located on the first floor at City Hall or coming to City Hall to listen to the meeting and present any comments in Council Chambers.

The agenda and staff recommendation packets were also posted on the City's website. All applicants on the conference had previously consented to proceeding with the virtual hearing. Some additional rules for the meeting:

- Please speak clearly and not too fast so the court stenographer can make an accurate record.
- Please be sure to identify yourself before speaking.
- Applicants and interested parties, after being sworn in by the Chair, please state and spell your name for the record.
- If you're not speaking and I fail to mute you, please mute yourself so that the meeting is not disrupted.
- No person will be allowed to speak unless they are first recognized by the Chair.
- All votes will be by roll-call.
- Since we're on video /audio, please refer to exhibits or page numbers, if applicable. All exhibits should have been provided prior to the meeting and within the recommendation packet. Due to this being a virtual hearing, applicants if you have any new exhibits that you want considered by the Board for your request, you may request a layover. Those exhibits will also need to be provided to staff and the public as part of the complete packet.
- If you are having any technical issues, please use the chat box function and send a message directly to me "Scott" or use the raise your hand function.
- Applicants, should you have technical issues or decide to lay your item over instead for whatever reason, please let the Board know when your item is called.
- LTAB applicants were given the option to be put "in the lobby" on the conference. This means that they would not be able hear or see anything during the ZBA meeting.

Lastly, the procedure would be as follows:

- The Chair will call the address of the application.
- The Applicant or representative will be unmuted and be sworn in.
- The Applicant or representative will present their request to the Board.
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties present at City Hall or any emails to be read into the record. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and state and spell their name for the record. Legal staff will read any written comments into the record that were received in advance.
- The Objector or Interested Party will state their name and present all their concerns, objections and questions regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions raised.
- Interested party at City Hall will have another opportunity to provide any additional follow up based on the Applicant's responses.
- The Board will then deliberate and a roll call vote will be taken.

The ZBA meeting is not a final vote on any item. However, it is the only time in which the public may participate. After the ZBA meeting, the item moves on to the Code & Regulation Committee. Although the public is invited to attend the meeting, public input is not allowed at the committee meeting. The date of the Code & Regulation meeting will be Monday, March 28, 2022, at 5:30 PM in City Council Chambers (2nd floor of City Hall) as the second vote on these items. The third and final meeting in this process is the City Council. That vote is tentatively scheduled on Monday, April 4, 2022. If the item is laid over at the ZBA meeting, the next meeting is **Tuesday, April 19, 2022**. If for any reason the item is

laid over at the committee level or on the City Council floor, the item is automatically laid over for two (2) weeks.

The meeting was called to order at 5:44 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the February 15, 2022 meeting minutes. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 4-0-1 via roll call vote with Jennifer Spencer abstaining. (Maurice Redd arrived after the vote)

ZBA 060-21

Applicant
Ward 11

2308 20th Avenue

Gidion Solanki

Special Use Permit for outdoor storage of a shipping container in an I-1, Light Industrial Zoning District

Laid over from January

Albert Bugbee and the Applicant, Gidion Solanki, were present. Mr. Bugbee stated he would be speaking on behalf of Gidion Solanki. Mr. Bugbee stated they sent Scott Capovilla fence quotes from various fencing companies. They would shield the warehouse from the north side of the property where he has the shipping container. Mr. Bugbee stated they did provide pictures in regards of why it is important to have this container. Mr. Bugbee stated once the addition is added to Mr. Solanki's building, they would no longer need the shipping container. Mr. Solanki currently stores his materials inside this container. An 8-foot fence will allow the container to be blocked and not visible from the road.

Jennifer Smith asked how long it will take to launch the business to where they can add the addition. Mr. Solanki responded it is difficult to say, because it is hard to find a good employee. Mr. Bugbee responded is it hard to find qualified machinist who can run CNC machines. Mr. Bugbee responded it is hard to figure a certain amount of time because it can take one year or two years. Jennifer Smith stated the reason she asked was because the board members could put a time limit on how long they could have the shipping containers.

No objectors or interested parties were present.

Staff Recommendation is for a Denial. No emails were read into the record.

Craig Sockwell stated that one year is sufficient enough to have the shipping container until the owner can remove it.

A **MOTION** was made by Jennifer Smith to **APPROVE** the Special Use Permit for outdoor storage of a shipping container in an I-1, Light Industrial Zoning District. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-0 via roll call vote.

Approval is based on the following conditions:

1. The Special Use Permit shall sunset on March 31, 2023 at which time the storage container must be removed.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR OUTDOOR STORAGE OF SHIPPING CONTAINER
IN AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT
LOCATED AT 2308 20TH AVENUE**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities will be provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the I-1 District in which it is located.

ZBA 004-22

Applicant
Ward 14

5075 28th Avenue

Richard Webster for Home City Ice

Variation to eliminate the four (4) foot open green space along the west side of the property, a **Variation** to eliminate interior landscape island and foundation landscaping as shown on submitted landscape plan, a **Variation** to reduce the required 11 shade trees to four (4) shade trees and a **Variation** to eliminate the required frontage landscape units in an I-1, Light Industrial Zoning District

Laid over from February

The Applicant, Richard Webster, was present, along with Mark Painter of CES engineering and Ged Trias of Larson and Darby architects. Mr. Painter stated the variations that have been requested are listed on the agenda. There is a revised site plan that was submitted, but he cannot recall which exhibit it is. Mr. Painter stated they are looking for a variation for the 4-foot open green space, along the west side of the property. Mr. Painter stated the revised site plan shows what the trucks look like coming in and out of the stalls on the west side of the building. The trucks are overlapping the property line of twelve feet. That gives them the need for cross access between the two properties. Mr. Painter stated the next variation that is listed is to eliminate the interior landscape island and foundation. The revised site plan shows the interior landscapes being a requirement of 10% that is met. The foundation landscape plan has been increased where 35% of foundation perimeter is met. The third variation that is listed on the agenda is to reduce the number of shade trees from 11 to four (4). The new drawing indicates 11 shade trees so the last variation is technically not required anymore.

Jennifer Spencer asked if the third variances would be eliminated. Mr. Painter responded that was correct. Mark Painter stated they would withdraw the third variation.

No objectors or interested parties were present.

Staff Recommendation is for Denial. No emails were read into the record.

A **MOTION** was made by Jennifer Smith to **APPROVE** a Variation to eliminate the four (4) foot open green space along the west side of the property and **APPROVE** a Variation to eliminate interior landscape island and reduce the foundation landscaping from 50 percent to 35 percent in an I-1, Light

Industrial Zoning District. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 5-0-1 via roll call vote with Dan Roszkowski abstaining.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO
ELIMINATE THE FOUR (4) FOOT OPEN GREEN SPACE ALONG THE
WEST SIDE OF THE PROPERTY IN AN I-1, LIGHT INDUSTRIAL
ZONING DISTRICT AND LOCATED AT 5075 28TH AVENUE**

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO
TO ELIMINATE INTERIOR LANDSCAPE ISLAND AND REDUCE THE FOUNDATION
LANDSCAPING FROM 50 PERCENT TO 35 PERCENT
IN AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT AND
LOCATED AT 5075 28TH AVENUE**

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.

4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 006-22

Applicant
Ward 12

905 West Riverside Boulevard

Victor Ballesteros

Special Use Permit for used car sales in a C-2, Limited Commercial Zoning District

The Applicant, Victor Ballesteros, was present. Mr. Ballesteros stated he is sole owner of Speedy Auto Care located on the west side of Rockford. Mr. Ballesteros stated his goal is to obtain the location at 905 West Riverside Boulevard. This location would be a car lot and, if approved, this location would be open and operating by June 1, 2022. Mr. Ballesteros state he is looking to expand as he has had a great year with his finances.

Jennifer Spencer asked what type of business was held at that location prior. Mr. Ballesteros responded it was a mechanic shop called 815 Automotive.

Scott Capovilla stated the prior business was granted an SUP by the board over three years ago.

One objector and two interested parties were present.

Alderman Gina Meeks stated she is in full support of this business. She stated she is interested in getting a business running in that area.

Ernie Redfern stated he is in full support. Mr. Redfern stated they have improved the roads around that area. During that time, they have lost five businesses and only gained two (2). Mr. Redfern stated they need to start seeing light around that area. They need more retail to keep expanding that area.

Luke Schneider spoke against the application. Mr. Schneider stated he is owns the business at 811 West Riverside, and if this business were to be approved, it would negatively impact their business.

Staff Recommendation is for Approval with thirteen (13) conditions. One email was read into the record.

The email that was read into record was sent anonymously. The letter stated, "We would like to submit an anonymous zoning appeal to the proposed zoning for a used car lot at 905 West Riverside Boulevard. We believe this will negatively impact our business and would like to appeal the approval of this zoning."

A **MOTION** was made by Kim Johnsen to **APPROVE** Special Use Permit for used car sales in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0 via roll call vote.

Approval is based on the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of a revised plan AC100 #19-0019 dated 11/20/2019 plan that shows eleven (11) vehicles displayed for sale along West Riverside Boulevard and Normandy Avenue and the remaining parking spaces shown as customer parking for Staff review and approval.
3. The property shall comply with the approved revised site plan AC100 #19-0019 dated 11/20/2019.
4. The property shall comply with the approved landscaping plan AC100 #19-0019 dated 11/20/2019.
5. There shall not be any more than eleven (11) vehicles displayed for sale outside.
6. Submittal of a Dumpster Enclosure Permit for the pre-finished steel panels and gates with a dumpster detail and rendering for Staff's review and approval.
7. Must submit fence elevations for the trex-board privacy fencing 6 feet in height and a Fence Permit for Staff review and approval.
9. Must obtain separate permits for signage.
10. No outside storage of any auto parts, equipment, materials, or operable/inoperable vehicles.
11. Submittal of a Final Agreement for Staff's review and approval that addresses the business operations and improvements to the site.
12. Window display signage is limited to 20% of window surface area.
13. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR USED CAR SALES
IN A C-2 LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 905 WEST RIVERSIDE BOULEVARD**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance, or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage, and/or necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the C-2 District in which it is located.

ZBA 007-22

Applicant

Ward 12

312, 318, 330, 3XX, and 340 Spring Creek Road

Daniel Saavedra/Saavedra Group Architects for Anderson Japanese Gardens

Modification of Special Use Permit #093-94 to allow a new 30' x 25' detached garage in the front yard setback along Stoneridge Drive, a new 20' x 30' Bridal Suite/Multi-purpose building with an exterior deck, and a parking lot expansion to the north side of the existing parking lot for 42 parking stalls, a **Variation** to reduce the required front yard

setback from 30 feet to 20 feet along Stoneridge Drive for a 30' x 25' detached garage, a **Variation** to eliminate the required landscaping for the parking lot expansion, and a **Variation** to eliminate the required landscaping islands for the parking lot expansion in a R-1, Single-family Residential Zoning District

The Applicant, Daniel Saavedra, was present, along with David Anderson and Tim Gruner of Anderson Japanese Gardens. Mr. Saavedra stated they are looking to get approved for a modification of the Special Use Permit. Mr. Saavedra referred to Exhibit D in the staff report and stated for Building A, they would like a variation on the front setback from 30 feet to 20 feet along Stoneridge Drive so they can construct a free standing garage. They would also like a variation for the parking lot expansion to eliminate the landscaping islands. Mr. Saavedra stated Anderson Japanese gardens has a tremendous amount of landscaping and more than required. Mr. Saavedra stated the reason why they are requesting to remove those islands and expanding the parking lot is so bigger vehicles like buses would be able to turn around. Mr. Saavedra stated that Building C would be converted to provide more restrooms for the gardens along with more storage for tables and chairs. Anderson Gardens is trying to improve visitor experience and these amenities will help.

No objectors or interested parties were present.

Staff Recommendation is for Approval with nine (9) conditions. One email was read into record from John Groh, President and CEO of the Rockford Area Convention and Visitors Bureau. Mr. Groh writes, "to express the full support of the Rockford Area Convention and Visitors Bureau for Anderson Japanese Garden's request for a Modification of a Special Use Permit and zoning variations for setbacks and landscaping."

A **MOTION** was made by Jennifer Spencer to **APPROVE** Modification of Special Use Permit #093-94 to allow a new 30' x 25' detached garage in the front yard setback along Stoneridge Drive, a new 20' x 30' Bridal Suite/Multi-purpose building with an exterior deck, and a parking lot expansion to the north side of the existing parking lot for 42 parking stalls, **APPROVE** a Variation to reduce the required front yard setback from 30 feet to 20 feet along Stoneridge Drive for a 30' x 25' detached garage, **APPROVE** a Variation to eliminate the required landscaping for the parking lot expansion, and **APPROVE** a Variation to eliminate the required landscaping islands for the parking lot expansion in a R-1, Single-family Residential Zoning District. The motion was **SECONDED** by Maurice Reed and **CARRIED** by a vote of 6-0 via roll call vote.

Approval is based on the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Submittal of a Building Permits for Staff review and approval.
3. The property be developed as per Exhibits E, F, G, H, and I approved by Staff.
4. Submittal of a Parking Lot Permit for Staff review and approval.
5. Submittal of a photometric plan with fixture details and fixture specifications for Staff's review and approval if additional parking lighting is proposed.
6. Developer will be required to meet all requirements of work within the floodplain / floodway.
7. Since the Developer will increase impervious area on site, they must provide plans to address the City's Stormwater Management Ordinance.
8. Future use changes will require a Modification of the Special Use Permit.
9. All conditions must be met prior to establishment of use.

FINDINGS OF FACT FOR APPROVAL OF A MODIFICATION OF SPECIAL USE PERMIT #093-94 TO ALLOW A NEW 30' X 25' DETACHED GARAGE IN THE FRONT YARD SETBACK ALONG STONERIDGE DRIVE, A NEW 20' X 30' BRIDAL SUITE/MULTI-PURPOSE BUILDING WITH AN

**EXTERIOR DECK, AND A PARKING LOT EXPANSION TO THE NORTH SIDE OF THE EXISTING
PARKING LOT FOR 42 PARKING STALLS
IN AN R-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 318 SPRING CREEK ROAD**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the R-1 District in which it is located.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO REDUCE THE REQUIRED FRONT YARD SETBACK FROM 30 FEET TO 20 FEET ALONG
STONERIDGE DRIVE FOR A 30' X 25' DETACHED GARAGE
IN AN R-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 318 SPRING CREEK ROAD**

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO ELIMINATE THE REQUIRED LANDSCAPING FOR THE PARKING LOT EXPANSION
IN AN R-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 318 SPRING CREEK ROAD**

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO ELIMINATE THE REQUIRED LANDSCAPING ISLANDS
FOR THE PARKING LOT EXPANSION
IN AN R-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 318 SPRING CREEK ROAD**

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 008-22

Applicant
Ward 1

7143 East State Street

Stratford Sign Sales for Planet Fitness

Variation to increase the maximum permitted business wall signs from two (2) wall signs to four (4) wall signs in a C-2, Limited Commercial Zoning District

The Applicant, Chris Fish of Stratford Signs was present. Mr. Fish stated the sign code only allowed two (2) wall signs, each sign being a maximum of 240 square feet. Mr. Fish stated the business next door, Ashley Furniture, could have up to a thousand square feet based on the frontage of the property. Their sign was put before the new ordinance took place, so it was grandfather in. The property Planet Fitness is going into used to be a Gordman's and the owners are splitting that building into two. They would have the same entrance but it would be two business. Mr. Fish stated instead of two (2) wall signs, they would like four (4) wall signs with a total square footage being less than what is allowed. These four signs are roughly 450 square feet in total.

No objectors or interested parties were present.

Craig Sockwell asked the Applicant if he was looking to get one wall sign on the south elevation, one on the east and one on the west. Mr. Fish responded it was technically two signs on the west elevation.

Jennifer Spencer stated he has three options of signs as shown in the report and he would prefer option one (1). Kim Johnsen stated option two (2) makes more sense and they could still have a wall sign on the east. Ms. Johnsen did not think the south wall sign was necessary. Jennifer Smith stated the Board has denied multiple wall sign requests in the past.

Staff Recommendation is for denial. No emails were read into the record.

A **MOTION** was made by Kim Johnsen to **DENY** Variation to increase the maximum permitted business wall signs from two (2) wall signs to four (4) wall signs in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-0 via roll call vote.

FINDINGS OF FACT FOR DENIAL OF A VARIATION
TO INCREASE THE MAXIMUM PERMITTED BUSINESS WALL SIGNS FROM TWO (2) WALL
SIGNS TO FOUR (4) WALL SIGNS
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 7143 EAST STATE STREET

Denial of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would not result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is not caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does not comply with the spirit and intent of restrictions imposed by this Ordinance.

With no further business to come before the Board, the meeting was adjourned at 7:06 p.m.

Respectfully submitted,
Leisha Kury, Administrative Assistant
Zoning Board of Appeals